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May 15, 2014

Jennifer LaPoma
U.S. Environmental Protection Agency, Region II
290 Broadway
New York, New York 10007-1866

Via Electronic Mail

**Re: RM 10.9 Removal Action Long Term Monitoring Plan
Administrative Settlement Agreement and Order on Consent for Removal Action,
CERCLA Docket No. 02-2012-2015**

Dear Ms. LaPoma:

On behalf of the Lower Passaic River Study Area Cooperating Parties Group (CPG), *de maximis* is writing to discuss the Region's May 1, 2014 responses.

The Region's May 1, 2014 responses address the CPG March 31, 2014 comments, which respond to the Region's January 24, 2014 comments to the CPG's Draft QAPP Worksheet 9 (dated January 22, 2014). As you and I discussed on May 14, 2014, the CPG believes that a number of the Region's responses do not adequately address and respond to the concerns expressed by the CPG.

The CPG requests the opportunity to have additional discussions with the Region on the objectives and scope of the post-construction RM 10.9 monitoring plan.

For the reasons that the CPG presented in its March 31, 2014 comments, the CPG believes that the post-construction monitoring requirements being imposed by the Region for the River Mile 10.9 Removal Action are (1) not required to adequately monitor the effectiveness of the RM 10.9 Removal Action and (2) inconsistent with the Region's direction and practice at other actions within the LPRSA as well as other post-construction monitoring at other large sediment sites within Region 2.

Pursuant to Section XVI of the RM 10.9 AOC, the CPG reserves its right to invoke dispute resolution on this matter in the event that the Region and the CPG are unable to informally resolve their differences in the upcoming discussions. To the extent EPA is unwilling to allow the CPG to later invoke dispute resolution on this issue, please consider this letter as invocation of same.

Please contact Bill Potter or me to discuss.

Very truly yours,

de maximis, inc.

Robert Law, Ph.D.
CPG Project Coordinator

cc: Ray Basso, EPA Region 2
CPG Members
William Hyatt, CPG Coordinating Counsel
Willard Potter, *de maximis, inc.*

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